

Enclosure of December 6, 2004

Your ref.: W08341

Our ref.: DE 40361

German Patent Application No.: 103 55 238.3-23

Applicant: AISIN SEIKI KABUSHIKI KAISHA

Title: "ENTRAPPED DETECTING DEVICE FOR OPENING-CLOSING
MEMBER"**TRANSLATION**

of the Official Letter of October 28, 2004

(rec'd November 15, 2004)

In the present Official Letter, the following references are mentioned for the first time (the numbering assigned thereto shall also be adhered to in the further course of the proceedings):

/1/ DE 198 47 080 C2

/2/ DE 198 10 077 A1

The examination is based on claims 1 to 7.

From document /1/, particularly Fig. 3, the skilled person can gather an entrapped detection device of an opening-closing member which is opening and closing an opening portion of a vehicle body, comprising the following components:

- a driving power source for moving the opening-closing member;
- a motivity transmission member provided between the opening-closing member and the driving power source;
- a deformation member (here the motivity transmission member itself) configured to be deformed via the motivity transmission member in accordance with the load applied to the opening-closing member at an opening-closing operation of the opening-closing member;

- a strain gauge assembled to the deformation member and configured to convert a strain according to the deformation of the deformation member to an electric signal;
- a control mechanism for detecting an entrapment of an external object based on the electric signal from the strain gauge.

Thus, the device according to claim 1 is completely suggested to the skilled person.

Therefore, claim 1 is not allowable for lack of novelty.

Applying the teaching according to document /1/ to a subject matter according to document /2/, particularly Fig. 1, does not require an inventive activity, since the same skilled person is active here (cf. Fig. 4 in document /2/).

The concrete technical development of the entrapped detection device according to Fig. 7 and 8, however, seems to be patentable subject to the further examination. Therefore, the applicant is given the opportunity to file a new claim 1 based thereon.

The present documents are not suitable for the grant of a patent.

Examining Division for class **E 05 F**
Hanschke